

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

R E C E I V E D

AUG 22 2018

AT 8:30
WILLIAM T. WALSH
CLERK

BEAUTY REACTIONS, LLC,

Plaintiff,

vs.

Civil Action No. 3:18-cv-09222-BRM-TJB

ORACLE AMERICA, INC.,
NETSUITE, INC., ABC
CORPORATIONS (1-10), AND JANE
AND/OR JOHN DOES (1-10), THE
SAME BEING FICTITIOUS, THEIR
IDENTITIES BEING UNKNOWN.,

Defendants.

ORDER

WHEREAS this matter having been brought before the Court by
SHEPPARD MULLIN RICHTER & HAMPTON LLP, counsel for Defendants
Oracle America, Inc. and NetSuite Inc. (collectively, "Oracle");

WHEREAS on May 21, 2018, Oracle filed a motion on notice for an Order:
(1) dismissing this action, with prejudice, for failure by Plaintiff to abide by
contractual conditions precedent, or, in the alternative (2) transferring the venue of
this matter to the United States District Court for the Northern District of
California pursuant to 28 U.S.C. § 1404; or, in the alternative (3) dismissing this
action, with prejudice, for failure to state a claim pursuant to Fed. R. Civ. P.

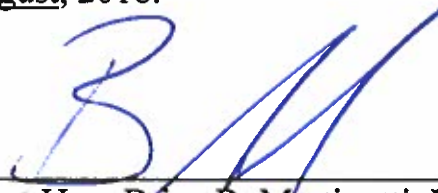
12(b)(6); and (4) granting such other and further relief as is just and proper. (the “Motion”);

WHEREAS on June 6, 2018, Plaintiff filed its CERTIFICATION in Opposition to the Motion; and

WHEREAS on June 11, 2018, Oracle submitted its Reply Brief in further support of the Motion.

IT IS HEREBY ORDERED that, having considered the pleadings above, and having heard oral argument by the parties on 23 AUGUST, 2018, for good cause shown and for the reasons set forth on the record Oracle’s Motion to Dismiss for Failure to Abide by Contractual Conditions Precedent is hereby **GRANTED**, the Plaintiff’s complaint is DISMISSED, without prejudice, all other relief is DENIED without prejudice as moot.

SIGNED this 23rd day of August, 2018.



Hon. Brian R. Martinotti, U.S.D.J.